

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

JAMES R. BLACKMON, JUSTIN M.  
ROZELLE, ERIC A. MYERS, and JERED  
MUNSON Individually and as representatives of  
a class of similarly situated persons, on behalf of  
the ZHI 401(K) RETIREMENT SAVINGS  
PLAN,

Plaintiffs,

v.

ZACHRY HOLDINGS, INC., THE  
COMPENSATION AND BENEFITS  
COMMITTEE OF ZACHRY HOLDINGS,  
INC.; and DOES No. 1-10, Whose Names Are  
Currently Unknown,

Defendants.

Case No: 5:20-cv-00988

May 31, 2022

**PLAINTIFFS' UNOPPOSED MOTION FOR  
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs, James R. Blackmon, Justin M. Rozelle, Eric A. Myers, and Jered Munson (collectively, “Plaintiffs”), on behalf of the proposed Settlement Class and the ZHI 401(k) Retirement Savings Plan (“Plan”), hereby move (“Motion”), pursuant to Federal Rule of Civil Procedure 23, for entry of an order: (1) preliminarily approving the Settlement; (2) awarding attorneys’ fees of 33 1/3% of the Gross Settlement Amount (\$625,000) and payment of necessary and reasonable litigation expenses in the amount of \$43,372.06; and (3) awarding \$12,500 each to Plaintiffs as case contribution awards.<sup>1</sup>

For the reasons set forth in the Settlement Agreement, accompanying memorandum of law, and all supporting papers, as well as the record in this litigation, Plaintiffs respectfully

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<sup>1</sup>A [Proposed] Final Approval Order and Judgment is attached as Exhibit D to the Settlement Agreement (ECF No. 65-3).

submit that the proposed settlement memorialized in the Settlement Agreement (the “Settlement”), as well as the requested attorneys’ fees, expenses, and case contribution awards are fair, reasonable, and adequate, and should be finally approved.

Plaintiffs stand ready to provide any additional information that the Court may require in connection with its consideration of this Motion.

Dated: May 31, 2022

Respectfully submitted,

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*Attorneys for Plaintiffs, the Plan,  
and the Settlement Class*

**CERTIFICATE OF SERVICE**

I certify that, on May 31, 2022, a true and correct copy of the foregoing was filed electronically through the Court's CM/ECF system and automatically copied to all counsel of record.

*/s/ Laurie Rubinow*  
Laurie Rubinow

*Attorneys for Plaintiffs, the Plan,  
and the Settlement Class*